

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

In re § **Chapter 11**
§
Fresh Acquisitions, LLC, et al.,¹ § **Case No. 21-30721-SGJ-11**
§
Debtors. § **(Jointly Administered)**

ARTHUR N. RUPE FOUNDATION’S JOINDER IN THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS’ OBJECTION TO THE DEBTORS’ APPLICATION FOR ENTRY OF AN ORDER AUTHORIZING THE EMPLOYMENT OF HILCO REAL ESTATE, LLC AS REAL ESTATE CONSULTANT, EFFECTIVE AS OF APRIL 21, 2021

Creditor Arthur N. Rupe Foundation (“**ANRF**”) files this *Joinder* in the objection [Dkt. No. 226] (the “**Objection**”) filed by the Official Committee of Unsecured Creditors (the “**Committee**”) to the *Debtor’s Application for Entry of an Order Authorizing the Employment of Hilco Real Estate, LLC as Real Estate Consultant, Effective as of April 21, 2021* [Dkt. No. 177] (the “**Application**”) and respectfully states as follows:

Joinder

ANRF hereby joins in the Committee’s Objection and respectfully requests that the Court deny the Application. Alternatively, should the Application be granted, ANRF respectfully requests that the Court decline to deem the \$30,000 retainer fully earned and non-refundable and instead make all payments by the Debtors to Hilco subject to entry of a final order entered after notice, hearing, and an opportunity for all parties in interest to object.

¹ The Debtors in these chapter 11 cases and the last four digits of each Debtor’s taxpayer identification number are as follows: Alamo Fresh Payroll, LLC (1590); Fresh Acquisitions, LLC (2795); Alamo Ovation, LLC (9002); Buffets LLC (2294); Hometown Buffet, Inc. (3002); Tahoe Joe’s Inc. (7129); OCB Restaurant Company, LLC (7607); OCB Purchasing, Co. (7610); Ryan’s Restaurant Group, LLC (7895); Fire Mountain Restaurants, LLC (8003); Food Management Partners, Inc. (7374); FMP SA Management Group, LLC (3031); FMP-Fresh Payroll, LLC (8962); FMP-Ovation Payroll, LLC (1728); and Alamo Buffets Payroll, LLC (0998). The Debtors’ principal offices are located at 2338 N. Loop 1604 W., Suite 350, San Antonio TX, 78248, United States.

DATED: June 22, 2021

Respectfully submitted,

KATTEN MUCHIN ROSENMAN LLP

/s/ Michaela Crocker

Michaela C. Crocker, TX Bar No. 24031985

Jorge A. Solis, TX Bar No. 18826750

Aron Cooper, TX Bar No. 24050143

2121 N. Pearl St., Suite 1100

Dallas, TX 75201

Telephone: (214) 765-3669

Email: michaela.crocker@katten.com

Email: jorge.solis@katten.com

Email: aron.cooper@katten.com

Counsel for Arthur N. Rupe Foundation

CERTIFICATE OF SERVICE

I hereby certify that on June 22, 2021, a true and correct copy of the above pleading was electronically mailed to the parties that are registered or otherwise entitled to receive electronic notices in these cases pursuant to the Electronic Filing Procedures in this District.

/s/ Michaela Crocker

Michaela C. Crocker